

PROB 12B
(7/93)

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAN 10 2006

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Donald Wesley Cole

Case Number: 2:03CR00110-001 - WFN

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: 11/18/2003

Type of Supervision: Term of supervised release

Original Offense: Conspiracy to Distribute
Marijuana, 21 U.S.C. § 846

Date Supervision Commenced: 11/10/2005

Original Sentence: Prison - 33 Months; TSR - 36
Months

Date Supervision Expires: 11/09/2008

PETITIONING THE COURT

To modify the conditions of supervision as follows:

You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but not more than six (6) tests per month, in order to confirm continued abstinence from these substances.

CAUSE

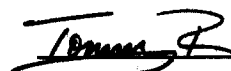
The purpose of this petition is to apprise the Court of the status of the aforementioned case, in light of the Ninth Circuit Court of Appeals' finding in United States v. Stevens (9th Cir. 2005), and to request that the conditions of supervision be modified to authorize a maximum of six random drug tests per month.

Donald Cole was asked whether he would waive his right to a hearing and agree to the modifications as previously described. As indicated by the enclosed Waiver of Hearing to Modify Conditions of Supervised Release form, Mr. Cole has agreed to the proposed modifications.

It is respectfully recommended that the attached Waiver of Hearing to Modify Conditions of Supervised Release be adapted.

Respectfully submitted,

by



Tommy Rosser
U.S. Probation Officer
Date: January 9, 2006

Prob 12B

Re: Cole, Donald Wesley

January 9, 2006


Page 2

THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



Signature of Judicial Officer



Date

United States District Court

Eastern District of Washington

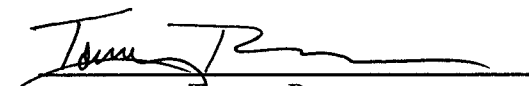
Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

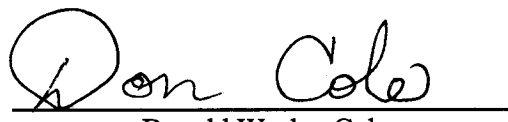
I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but not more than six (6) tests per month, in order to confirm continued abstinence from these substances.

Witness:


Tommy Rosser
U.S. Probation Officer

Signed:


Donald Wesley Cole
Probationer or Supervised Releasee

11/14/05
Date